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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,535	01/09/2002	Steven Weir	GT/3-21914/A/AC 524/PCT	2185
324	7590	09/02/2003		
CIBA SPECIALTY CHEMICALS CORPORATION PATENT DEPARTMENT 540 WHITE PLAINS RD P O BOX 2005 TARRYTOWN, NY 10591-9005			EXAMINER	
			HRUSKOCI, PETER A	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/030,535 Examiner Peter A. Hruskoci	Applicant(s) WEIR ET AL. Art Unit 1724
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ . |
|---|---|

The disclosure is objected to because of the following informalities: On page 16 of the specification it is disclosed that the results of Table 4 are shown in Figure 4. Figure 4 appears to illustrate at least some of the results of Table 5 at a polymer dose of 110 mg/l. It is also noted that the sequential dosing disclosed on pages 16 and 17 appears to be inconsistent with the simultaneous addition recited in instant claim 1.

Appropriate correction is required.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 "the substrate" lacks clear antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. in view of McGow et al.. Sorensen et al. disclose (see col. 4 line 4 through col. 8 line 17) a process of flocculating and dewatering an aqueous suspension of suspended solids substantially as claimed. The claims differ from Sorensen et al. by reciting that the polymer solutions are introduced substantially simultaneously. McGow et al. disclose (see col. 3 line 4 through col. 6 line 62) that it is known in the art to add a coagulant polymer and a flocculant polymer into a suspension by substantially simultaneously by mixing a preformed solution of the coagulant and flocculant polymer. It would have been obvious to one skilled in the art to modify the process of Sorensen et al. by introducing the polymer solutions substantially simultaneously

in view of the teachings of McGrow et al., to aid in coagulating and flocculating the suspended solids. The specific weight % and types of polymer solutions utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific suspension treated and results desired, absent a sufficient showing of unexpected results.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. in view of McGrow et al. as above, and further in view of Luetzelschwab. The claims differ from the references as applied above by reciting that the dilute polymer solution is formed by diluting a flowing stream of concentrated polymer solution. Luetzelschwab disclose (see col. 2 line 39 through col. 4 line 61) that it is known in the art to form a dilute polymer solution by diluting a flowing stream of concentrated polymer solution. It would have been obvious to one skilled in the art to modify the references as applied above by forming the recited dilute polymer solution in view of the teachings of Luetzelschwab, to aid promoting uniformity in the polymer solution. The specific reservoir utilized for the concentrated polymer solution, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific suspension treated and results desired, absent a sufficient showing of unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is 703-308-3839. The examiner can normally be reached on Monday through Friday from 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

8/25/03